

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application)	
)	
of)	
)	Docket No. 2009-0048
MOLOKAI PUBLIC UTILITIES, INC.)	
)	
For review and approval of rate)	
increases; revised rate schedules; and)	
revised rules.)	

**MOLOKAI PUBLIC UTILITIES, INC.'S SUPPLEMENTAL RESPONSE
TO THE DIVISION OF CONSUMER ADVOCACY'S
SUBMISSION OF REBUTTAL INFORMATION REQUESTS
(CA-RIR-5b)**

and

CERTIFICATE OF SERVICE

MORIHARA LAU & FONG LLP

MICHAEL H. LAU, ESQ.
YVONNE Y. IZU, ESQ.
Davies Pacific Center
841 Bishop Street
Suite 400
Honolulu, Hawaii 96813
Telephone: (808) 526-2888

Attorneys for MOLOKAI PUBLIC UTILITIES, INC.

PUBLIC UTILITIES
COMMISSION

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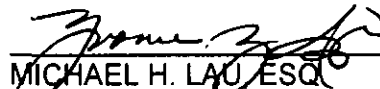
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(CA-RIR-5b)**

COMES NOW, MOLOKAI PUBLIC UTILITIES, INC., by and through its attorneys,
Moriwara Lau & Fong LLP, hereby submits its Supplemental Response to the Division of
Consumer Advocacy's Submission of Rebuttal Information Requests (CA-RIR-5b) consistent
with the Stipulated Regulatory Schedule (Exhibit "A") approved in the Order Approving
Proposed Procedural Order, as Modified, filed on November 6, 2009.

DATED: Honolulu, Hawaii, March 1, 2010.



MICHAEL H. LAU, ESQ.
WONNE Y. IZU, ESQ.

Moriwara Lau & Fong LLP
Attorneys for MOLOKAI PUBLIC UTILITIES, INC.

**MOLOKAI PUBLIC UTILITIES, INC.'S SUPPLEMENTAL RESPONSE
TO THE DIVISION OF CONSUMER ADVOCACY'S
SUBMISSION OF REBUTTAL INFORMATION REQUESTS**

DOCKET NO. 2009-0048

CA-RIR-5

Ref: MPU-RT-100, pages 27 – 32.

a. The Company contends that "the Consumer Advocate's information requests seemed to be higher than the other cases." (emphasis added)

1. Did the Company perform any analysis to arrive at this conclusion?

RESPONSE:

The Company did not perform such an analysis.

2. If so, please identify the other cases considered and provide a copy of that analysis.

RESPONSE:

Not applicable, see response to CA-RIR-5.a.1 above.

b. Please identify the hours recorded by the Company's regulatory and legal outside services vendors for the discovery phase. In addition, assuming that the detail is available, please further provide a descriptive classification for the hours incurred separately by the legal and regulatory vendors by function, such as drafting responses, conducting analyses, researching, reviewing drafts, etc.

**SUPPLEMENTAL
RESPONSE:**

See Attachment CA-RIR-5b. See also MPU's response to WMA-IR-MPRT-114.

SPONSOR:

Robert O'Brien

**ATTACHMENT
CA-RIR-5b**

MOLOKAI PUBLIC UTILITIES, INC.**Regulatory Expenses – Legal
September 2009-January 2010**

Although denominated the “discovery phase” of the case, work performed by outside legal counsel (“MLF”) during the post-application/pre-evidentiary hearing phase includes (by general categories) the following:

Public Hearing (PH) – matters relating to the public hearing held on September 3, 2009.

Intervention (Intervene) – matters relating to motions to intervene filed by the County of Maui, Stand for Water, and West Molokai Association

Stipulated Procedural Order (SPO) – matters relating to the Stipulated Procedural Order

Protective Order (Protective) – matters relating to the Protective Order

Discovery – matters relating to information requests

Procedural Matters (Procedural) – other procedural matters that have arisen in the case

The following chart shows the approximate number of hours spent each month from September 2009 through January 2010 for each of these categories.

	PH	Intervene	SPO	Protective	Discovery	Procedural	Total
Sept. 2009	26.5	56.0	0.6	0.2	51.4	12.2	146.9
Oct. 2009	0	1.3	29.2	9.3	63.0	0.3	103.1
Nov. 2009	0	0	2.6	20.0	79.0	1.6	103.2
Dec. 2009	0	0	0	1.4	28.6	0	30.0
Jan. 2010	0	0	0	0.2	15.2	16.9	32.3
TOTAL	26.5	57.3	32.4	31.1	237.2	31.0	415.5

MLF does not log time according to function (e.g., research, drafting, etc.).

OBRIEN INNOVATIVE REGULATORY SOLUTIONS, LLC
1753 Via Mazatlan, Rio Rico, Arizona 85648

INVOICE

Invoice Number – MPU 008

September 30, 2009

Molokai Public Utilities, Inc.
745 Fort Street, # 600
Honolulu, Hawaii 96813

Attention: Mr. Dan Orodener

Re: MPU Rate Case

DESCRIPTION

Services performed during the month of September 2009 per attached work log.

FEES:

40.0 hours @ \$250 per hour =	\$10,000.00
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EXPENSES:

NONE	0
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STATE TAXES --- GET @ 4.166%	<u>416.60</u>
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<u>TOTAL DUE</u>	\$10,416.60
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PAYMENT TERMS:

Due on Receipt

OBRIEN INNOVATIVE REGULATORY SOLUTIONS, LLC
1753 Via Mazatlan, Rio Rico, Arizona 85648

INVOICE

Invoice Number – MPU 009

October 30, 2009

Molokai Public Utilities, Inc.
745 Fort Street, # 600
Honolulu, Hawaii 96813

Attention: Mr. Dan Orodener

Re: MPU Rate Case

DESCRIPTION

Services performed during the month of September 2009 per attached work log.

FEES:

28.0 hours @ \$250 per hour = \$ 7,000.00

EXPENSES:

NONE 0

STATE TAXES --- GET @ 4.166% 291.62

TOTAL DUE \$ 8,291.62

PAYMENT TERMS:

Due on Receipt

OBRIEN INNOVATIVE REGULATORY SOLUTIONS, LLC
1753 Via Mazatlan, Rio Rico, Arizona 85648

INVOICE

Invoice Number – MPU 010

November 30, 2009

Molokai Public Utilities, Inc.
745 Fort Street, # 600
Honolulu, Hawaii 96813

Attention: Mr. Dan Orodener

Re: MPU Rate Case

DESCRIPTION

Services performed during the month of November 2009 per attached work log.

FEES:

56.0 hours @ \$250 per hour = \$14,000.00

EXPENSES:

NONE 0

STATE TAXES --- GET @ 4.166% 583.24

TOTAL DUE \$14,583.24

PAYMENT TERMS:

Due on Receipt

OBRIEN INNOVATIVE REGULATORY SOLUTIONS, LLC
1753 Via Mazatlan, Rio Rico, Arizona 85648

INVOICE

Invoice Number – MPU 011 CREDIT

December 24, 2009

Molokai Public Utilities, Inc.
745 Fort Street, # 600
Honolulu, Hawaii 96813

Attention: Mr. Dan Orodener

Re: MPU Rate Case

DESCRIPTION

Credit for error in Invoice # MPU 9

CREDIT:

Invoice MPU 9 had an error in the addition of the total \$(1,000.00)

EXPENSES:

NONE 0

STATE TAXES --- No change in original charge 0

TOTAL DUE \$(1,000.00)

PAYMENT TERMS:

Due on Receipt

OBRIEN INNOVATIVE REGULATORY SOLUTIONS, LLC
1753 Via Mazatlan, Rio Rico, Arizona 85648

INVOICE

Invoice Number – MPU 012

December 31, 2009

Molokai Public Utilities, Inc.
745 Fort Street, # 600
Honolulu, Hawaii 96813

Attention: Mr. Dan Orodener

Re: MPU Rate Case

DESCRIPTION

Services performed during the month of December 2009 per attached work log.

FEES:

60.0 hours @ \$250 per hour =	\$15,000.00
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EXPENSES:

NONE	0
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STATE TAXES --- GET @ 4.166%	<u>624.90</u>
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<u>TOTAL DUE</u>	\$15,624.90
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PAYMENT TERMS:

Due on Receipt

OBRIEN INNOVATIVE REGULATORY SOLUTIONS, LLC
1753 Via Mazatlan, Rio Rico, Arizona 85648

INVOICE

Invoice Number – MPU 013

January 31, 2010

Molokai Public Utilities, Inc.
745 Fort Street, # 600
Honolulu, Hawaii 96813

Attention: Mr. Dan Orodener

Re: MPU Rate Case

DESCRIPTION

Services performed during the month of January 2010 per attached work log.

FEES:

31.0 hours @ \$250 per hour = \$7,750.00

EXPENSES:

NONE 0

STATE TAXES --- GET @ 4.166% 322.86

TOTAL DUE \$8,072.86

PAYMENT TERMS:

Due on Receipt

Molokai Public Utilities

Work Log for Robert O'Brien
Billing Period: September 2009 (8/31/09-9/30/09)

Water Company Rate Case
OB - 012

<u>Date</u>	<u>Day</u>	<u>Hours</u>	<u>Description of Services</u>
8/31/09	Monday	1.00	Update of Customer Usage for IR Responses
9/1/09	Tuesday		
9/2/09	Wednesday		
9/3/09	Thursday		
9/4/09	Friday		
9/5/09	Saturday		
9/6/09	Sunday		
9/7/09	Monday		
9/8/09	Tuesday		
9/9/09	Wednesday		
9/10/09	Thursday		
9/11/09	Friday	1.00	Response to Irs
9/12/09	Saturday		
9/13/09	Sunday	2.00	Response to Irs
9/14/09	Monday	2.00	Response to Irs
9/15/09	Tuesday	2.00	Response to Irs
9/16/09	Wednesday		
9/17/09	Thursday	2.00	Response to Irs
9/18/09	Friday	2.00	Response to Irs
9/19/09	Saturday	4.00	Response to Irs
9/20/09	Sunday		
9/21/09	Monday	2.00	Response to Irs
9/22/09	Tuesday	2.00	Response to Irs
9/23/09	Wednesday	2.00	Response to Irs
9/24/09	Thursday	2.00	Response to Irs
9/25/09	Friday	3.00	Response to Irs
9/26/09	Saturday	3.00	Response to Irs
9/27/09	Sunday	2.00	Response to Irs
9/28/09	Monday	3.00	Response to Irs
9/29/09	Tuesday	4.00	Response to Irs
9/30/09	Wednesday	1.00	Response to Irs
		<u>40.00</u>	Total Hours

Molokai Public Utilities

Work Log for Robert O'Brien

Billing Period: October 2009 (10/1/09-10/30/09)

Water Company Rate Case
OB - 012

<u>Date</u>	<u>Day</u>	<u>Hours</u>	<u>Description of Services</u>
10/1/09	Thursday	4.00	Work on Responses to IRs
10/2/09	Friday	3.00	Work on Responses to IRs
10/3/09	Saturday	3.00	Work on Responses to IRs
10/4/09	Sunday	3.00	Work on Responses to IRs
10/5/09	Monday	4.00	Work on Responses to IRs
10/6/09	Tuesday	1.00	Work on Responses to IRs
10/7/09	Wednesday	2.00	Work on Responses to IRs
10/8/09	Thursday	1.00	Work on Responses to IRs
10/9/09	Friday	1.00	Work on Responses to IRs
10/10/09	Saturday		
10/11/09	Sunday		
10/12/09	Monday	1.00	Work on Responses to IRs
10/13/09	Tuesday		
10/14/09	Wednesday		
10/15/09	Thursday		
10/16/09	Friday		
10/17/09	Saturday		
10/18/09	Sunday		
10/19/09	Monday	1.00	Work on Responses to IRs
10/20/09	Tuesday	2.00	CC & Work on Responses to IRs
10/21/09	Wednesday		
10/22/09	Thursday	1.00	Work on Responses to IRs
10/23/09	Friday		
10/24/09	Saturday		
10/25/09	Sunday		
10/26/09	Monday		
10/27/09	Tuesday		
10/28/09	Wednesday		
10/29/09	Thursday		
10/30/09	Friday	1.00	Misc Accumulated Time
10/31/09	Saturday		
		<u>28.00</u>	Total Hours

Molokai Public Utilities

Work Log for Robert O'Brien

Billing Period: November 2009 (11/1/09-11/30/09)

Water Company Rate Case

OB - 012

<u>Date</u>	<u>Day</u>	<u>Hours</u>	<u>Description of Services</u>
11/1/09	Sunday		
11/2/09	Monday		
11/3/09	Tuesday		
11/4/09	Wednesday		
11/5/09	Thursday		
11/6/09	Friday		
11/7/09	Saturday		
11/8/09	Sunday		
11/9/09	Monday	3.00	Response to IRs
11/10/09	Tuesday	3.00	Response to IRs
11/11/09	Wednesday	4.00	Response to IRs
11/12/09	Thursday	7.00	Response to IRs
11/13/09	Friday	5.00	Response to IRs
11/14/09	Saturday	4.00	Response to IRs
11/15/09	Sunday	4.00	Response to IRs
11/16/09	Monday	4.00	Response to IRs
11/17/09	Tuesday	4.00	Response to IRs
11/18/09	Wednesday	4.00	Response to IRs
11/19/09	Thursday	3.00	Response to IRs
11/20/09	Friday	3.00	Response to IRs
11/21/09	Saturday		
11/22/09	Sunday		
11/23/09	Monday	1.00	Response to IRs
11/24/09	Tuesday	2.00	Response to IRs
11/25/09	Wednesday	1.00	Response to IRs
11/26/09	Thursday		
11/27/09	Friday	2.00	Response to IRs
11/28/09	Saturday		
11/29/09	Sunday		
11/30/09	Monday	2.00	Response to IRs

56.00 **Total Hours**

Molokai Public Utilities

Work Log for Robert O'Brien

Billing Period: December 2009 (12/1/09-12/31/09)

Water Company Rate Case

OB - 012

<u>Date</u>	<u>Day</u>	<u>Hours</u>	<u>Description of Services</u>
12/1/09	Tuesday	2.00	Responses to IRs
12/2/09	Wednesday	2.00	Responses to IRs
12/3/09	Thursday	2.00	Responses to IRs
12/4/09	Friday	2.00	Responses to IRs
12/5/09	Saturday		
12/6/09	Sunday		
12/7/09	Monday	4.00	Responses to IRs
12/8/09	Tuesday	4.00	Responses to IRs
12/9/09	Wednesday	6.00	Responses to IRs
12/10/09	Thursday	6.00	Responses to IRs
12/11/09	Friday	4.00	Responses to IRs
12/12/09	Saturday	5.00	Responses to IRs
12/13/09	Sunday	4.00	Responses to IRs
12/14/09	Monday	1.00	Responses to IRs
12/15/09	Tuesday	3.00	Responses to IRs
12/16/09	Wednesday	3.00	Responses to IRs
12/17/09	Thursday	1.00	Responses to IRs
12/18/09	Friday	4.00	Responses to IRs
12/19/09	Saturday	1.00	Responses to IRs
12/20/09	Sunday		
12/21/09	Monday	3.00	Responses to IRs
12/22/09	Tuesday		
12/23/09	Wednesday	1.00	Update WPs For Responses to IRs
12/24/09	Thursday	2.00	Update WPs For Responses to IRs
12/25/09	Friday		
12/26/09	Saturday		
12/27/09	Sunday		
12/28/09	Monday		
12/29/09	Tuesday		
12/30/09	Wednesday		
12/31/09	Thursday		
		<u>60.00</u>	Total Hours

Molokai Public Utilities

Work Log for Robert O'Brien

Billing Period: January 2010 (1/1/10-1/31/10)

Water Company Rate Case

OB - 012

<u>Date</u>	<u>Day</u>	<u>Hours</u>	<u>Description of Services</u>
1/1/10	Friday		
1/2/10	Saturday		
1/3/10	Sunday		
1/4/10	Monday		
1/5/10	Tuesday		
1/6/10	Wednesday		
1/7/10	Thursday		
1/8/10	Friday	3.00	Review WMA Testimony & develop IRs & Comparison
1/9/10	Saturday	3.00	Review WMA Testimony & develop IRs & Comparison
1/10/10	Sunday	3.00	Review WMA Testimony & develop IRs & Comparison
1/11/10	Monday	2.00	Review WMA Testimony & develop IRs & Comparison
1/12/10	Tuesday		
1/13/10	Wednesday	2.00	Review CA Testimony
1/14/10	Thursday	2.00	Review CA Testimony
1/15/10	Friday	3.00	Review CA Testimony
1/16/10	Saturday	2.00	Review CA Testimony
1/17/10	Sunday		
1/18/10	Monday		
1/19/10	Tuesday		
1/20/10	Wednesday	2.00	Prepare IRs to CA
1/21/10	Thursday	4.00	Prepare IRs to CA
1/22/10	Friday	2.00	Prepare IRs to CA
1/23/10	Saturday		
1/24/10	Sunday		
1/25/10	Monday	1.00	Review IRs
1/26/10	Tuesday		
1/27/10	Wednesday		
1/28/10	Thursday	1.00	Misc time
1/29/10	Friday		
1/30/10	Saturday		
1/31/10	Sunday	1.00	Prepare Rebuttal Outline
		<u>31.00</u>	Total Hours

CERTIFICATE OF SERVICE

I (we) hereby certify that copies of the foregoing document were duly served on the following parties, by having said copies delivered as set forth below:

MR. DEAN NISHINA Executive Director Department of Commerce and Consumer Affairs Division of Consumer Advocacy 335 Merchant Street, Suite 326 Honolulu, Hawaii 96813	3 copies Hand Deliver
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MARGERY S. BRONSTER, ESQ. JEANNETTE H. CASTAGNETTI, ESQ. Bronster Hoshibata 2300 Pauahi Tower 1003 Bishop Street Honolulu, HI 96813	1 copy Hand Deliver
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Attorneys for the COUNTY OF MAUI

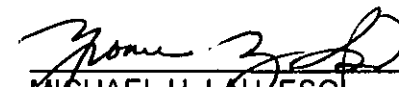
WILLIAM W. MILKS, ESQ. Law Offices of William W. Milks ASB Tower, Suite 977 1001 Bishop Street Honolulu, HI 96813	1 copy Hand Deliver
---	------------------------

Attorney for WEST MOLOKAI ASSOCIATION

ANDREW V. BEAMAN, ESQ. Chun Kerr Dodd Beaman & Wong, LLLP Topa Financial Center, Fort Street Tower 745 Fort Street, 9 th Floor Honolulu, HI 96813	1 copy Hand Deliver
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Attorney for MOLOKAI PROPERTIES LIMITED

DATED: Honolulu, Hawai'i, March 1, 2010.



MICHAEL H. LAU, ESQ.
YVONNE Y. IZU, ESQ.

Morihara Lau & Fong LLP
Attorneys for MOLOKAI PUBLIC UTILITIES, INC.